

IN SENATE OF THE UNITED STATES.

JULY 29, 1848.

Submitted, and ordered to be printed.

Mr. BRIGHT made the following

REPORT:

[To accompany bill S. No. 335.]

The Committee on Revolutionary Claims, to whom was referred the "petition of the heirs of David Noble, an officer of the revolution, praying seven years' half pay," &c., have had the same under consideration and report:

That according to the statements contained in former reports, made at the 2d session of the 26th and 2d session of the 27th Congress, which are fully sustained by documentary evidence on file, the facts are as follows:

[At the commencement of the revolution, David Noble was a wealthy citizen of Berkshire county, Massachusetts; and it appears from the parol evidence, that in 1774, or 1775, he enlisted a company of troops, of which he became the captain, and entered into the continental service in Colonel Patterson's regiment, and in Sullivan's brigade, where he served until July, 1776, when he died in the army, in actual service, leaving a wife and children; the former of whom is dead, and three of the latter are now living. It also appears that Captain Noble expended a large portion of his property in providing clothing and provisions for his company. This parol evidence is confirmed by the records of Massachusetts, which show the name of Captain David Noble, of Pittsfield, as attached to the 26th regiment of foot; where also is found the name of Solomon Martin, a corporal, one of the witnesses on this application. No application appears to have been made to have this claim adjusted, until 1836; the reason given for the delay being the poverty and scattered situation of the family. But the case appears to be well supported by both parol and record evidence. And it further appears that the heirs of Captain Noble never received any commutation pay, either from the State or general government. Under these circumstances, and under the retrospective construction heretofore given to the resolution of Congress of August 24, 1780, the committee report a bill in favor of the representatives of Captain David Noble, for seven years' half pay, without interest.]

The report of the 2d session of the 27th Congress is the same as that of the 2d session of the 26th Congress.

For evidence of the rank and service of David Noble, your committee refer to the certificate of the Secretary of State of Massachusetts, herewith filed and marked No. 4. They at the same time call the attention of the Senate to the copy of the ordinance of August 24th, 1780, marked A, also on file; by which a remedy is furnished for the numerous class of hard cases in which the families of revolutionary soldiers have been rendered destitute by their patriotic sacrifices in behalf of liberty.

Under these circumstances the committee recommend the passage of the accompanying bill.

No. 4.

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, *March 13, 1840.*

I hereby certify, that, from an examination of the books and documents, relating to military services in the war of the revolution, which remain in this department, it appears that the name of David Noble is borne on "a return of the names and places of residences of all the commissioned, non-commissioned officers, and soldiers which have enlisted in the 26th regiment of foot, now in the continental service, from its first establishment, together with the casualties happened in the same since to this day, being the 6th of October, 1775," as captain from Pittsfield. The name of Solomon Martin, as a corporal, is also found on the above return from Pittsfield.

[L. s.] In testimony whereof, I have hereunto affixed the seal of the commonwealth, the date above written.

JOHN P. BIGELOW,

Secretary of the Commonwealth.

A.

Copy of ordinance of August 24, 1780.

Resolved, That the resolution of the 15th May, 1778, granting half-pay for seven years to the officers of the army who should continue in service to the end of the war, be extended to the widows of those officers who have died or shall hereafter die in the service; to commence from the time of such officer's death, and continue for the term of seven years; or if there be no widow, or in case of her death or intermarriage, the said half-pay be given to the orphan children of the officer dying as aforesaid, if

he shall have left any; and that it be recommended to the legislatures of the respective States to which such officers belong, to make provision for paying the same, on account of the United States.

Which seven year's half-pay, aforesaid, *commencing* at the death, is certainly due, with interest from that time, as by numerous decisions of Congress is seen, and the facts of the case show it just and legal.—(See Journal of Congress 3, pages 512-'13.)

he shall have left any; and that it be recommended to the legisla-
tures of the respective States to which such officers belong to
make provision for paying the same, on account of the United
States.
Which second case's half-pay, aforesaid, commencing at the death,
is certainly due, with interest from that time, as by numerous de-
cisions of Congress is seen, and the facts of the case show it just
and legal. (See Journal of Congress, pages 312-13)